

1 ***-1465/P4.55* *-0808/2.35* SECTION 139.** 15.405 (7) (a) of the statutes is
2 amended to read:

3 15.405 (7) (a) There is created a medical examining board in the department
4 of ~~regulation and licensing~~ safety and professional services.

5 ***-1465/P4.56* *-0808/2.36* SECTION 140.** 15.405 (7c) (a) (intro.) of the
6 statutes is amended to read:

7 15.405 (7c) (a) (intro.) There is created a marriage and family therapy,
8 professional counseling, and social work examining board in the department of
9 ~~regulation and licensing~~ safety and professional services consisting of the following
10 members appointed for 4-year terms:

11 ***-1465/P4.57* *-0808/2.37* SECTION 141.** 15.405 (7e) (intro.) of the statutes
12 is amended to read:

13 15.405 (7e) RADIOGRAPHY EXAMINING BOARD. (intro.) There is created in the
14 department of ~~regulation and licensing~~ safety and professional services a
15 radiography examining board consisting of the following 7 members appointed for
16 4-year terms:

17 ***-1465/P4.58* *-0808/2.38* SECTION 142.** 15.405 (7g) of the statutes is
18 amended to read:

19 15.405 (7g) BOARD OF NURSING. There is created a board of nursing in the
20 department of ~~regulation and licensing~~ safety and professional services. The board
21 of nursing shall consist of the following members appointed for staggered 4-year
22 terms: 5 currently licensed registered nurses under ch. 441; 2 currently licensed
23 practical nurses under ch. 441; and 2 public members. Each registered nurse
24 member shall have graduated from a program in professional nursing and each

1 practical nurse member shall have graduated from a program in practical nursing
2 accredited by the state in which the program was conducted.

3 ***-1465/P4.59* *-0808/2.39* SECTION 143.** 15.405 (7m) of the statutes is
4 amended to read:

5 15.405 (7m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created
6 a nursing home administrator examining board in the department of ~~regulation and~~
7 ~~licensing~~ safety and professional services consisting of 9 members appointed for
8 staggered 4-year terms and the secretary of health services or a designee, who shall
9 serve as a nonvoting member. Five members shall be nursing home administrators
10 licensed in this state. One member shall be a physician. One member shall be a
11 nurse licensed under ch. 441. Two members shall be public members. No more than
12 2 members may be officials or full-time employees of this state.

13 ***-1465/P4.60* *-0808/2.40* SECTION 144.** 15.405 (7r) (intro.) of the statutes
14 is amended to read:

15 15.405 (7r) PHYSICAL THERAPY EXAMINING BOARD. (intro.) There is created in the
16 department of ~~regulation and licensing~~ safety and professional services a physical
17 therapy examining board consisting of the following members appointed for
18 staggered 4-year terms:

19 ***-1465/P4.61* *-0808/2.41* SECTION 145.** 15.405 (8) of the statutes is
20 amended to read:

21 15.405 (8) OPTOMETRY EXAMINING BOARD. There is created an optometry
22 examining board in the department of ~~regulation and licensing~~ safety and
23 professional services. The optometry examining board shall consist of 7 members
24 appointed for staggered 4-year terms. Five of the members shall be licensed
25 optometrists in this state. Two members shall be public members.

1 ***-1465/P4.62* *-0808/2.42* SECTION 146.** 15.405 (9) of the statutes is
2 amended to read:

3 15.405 (9) PHARMACY EXAMINING BOARD. There is created a pharmacy examining
4 board in the department of ~~regulation and licensing~~ safety and professional services.
5 The pharmacy examining board shall consist of 7 members appointed for staggered
6 4-year terms. Five of the members shall be licensed to practice pharmacy in this
7 state. Two members shall be public members.

8 ***-1465/P4.63* *-0808/2.43* SECTION 147.** 15.405 (10m) of the statutes is
9 amended to read:

10 15.405 (10m) PSYCHOLOGY EXAMINING BOARD. There is created in the
11 department of ~~regulation and licensing~~ safety and professional services a psychology
12 examining board consisting of 6 members appointed for staggered 4-year terms.
13 Four of the members shall be psychologists licensed in this state. Each of the
14 psychologist members shall represent a different specialty area within the field of
15 psychology. Two members shall be public members.

16 ***-1465/P4.64* *-0808/2.44* SECTION 148.** 15.405 (10r) (a) (intro.) of the
17 statutes is amended to read:

18 15.405 (10r) (a) (intro.) There is created a real estate appraisers board in the
19 department of ~~regulation and licensing~~ safety and professional services consisting
20 of the following members appointed for 4-year terms:

21 ***-1272/P4.6* SECTION 149.** 15.405 (11) of the statutes is repealed.

22 ***-1272/P4.7* SECTION 150.** 15.405 (11m) of the statutes is created to read:

23 15.405 (11m) REAL ESTATE EXAMINING BOARD. There is created a real estate
24 examining board in the department of safety and professional services. The real
25 estate examining board shall consist of 7 members appointed to staggered 4-year

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1 terms. Five of the members shall be real estate brokers or salespersons licensed in
2 this state. Two members shall be public members. No member may serve more than
3 2 terms.

****NOTE: This is reconciled s. 15.405 (11m). This SECTION has been affected by
drafts with the following LRB numbers: -1272/P3 and -1465/P3.

4 ***-1465/P4.65* *-0808/2.46* SECTION 151.** 15.405 (12) of the statutes is
5 amended to read:

6 15.405 (12) VETERINARY EXAMINING BOARD. There is created a veterinary
7 examining board in the department of ~~regulation and licensing~~ safety and
8 professional services. The veterinary examining board shall consist of 8 members
9 appointed for staggered 4-year terms. Five of the members shall be licensed
10 veterinarians in this state. One member shall be a veterinary technician certified
11 in this state. Two members shall be public members. No member of the examining
12 board may in any way be financially interested in any school having a veterinary
13 department or a course of study in veterinary or animal technology.

14 ***-1465/P4.66* *-0808/2.47* SECTION 152.** 15.405 (16) of the statutes is
15 amended to read:

16 15.405 (16) FUNERAL DIRECTORS EXAMINING BOARD. There is created a funeral
17 directors examining board in the department of ~~regulation and licensing~~ safety and
18 professional services. The funeral directors examining board shall consist of 6
19 members appointed for staggered 4-year terms. Four members shall be licensed
20 funeral directors under ch. 445 in this state. Two members shall be public members.

21 ***-1465/P4.67* *-0808/2.48* SECTION 153.** 15.405 (17) of the statutes is
22 amended to read:

1 15.405 (17) BARBERING AND COSMETOLOGY EXAMINING BOARD. There is created a
2 barbering and cosmetology examining board in the department of ~~regulation and~~
3 ~~licensing~~ safety and professional services. The barbering and cosmetology
4 examining board shall consist of 9 members appointed for 4-year terms. Four
5 members shall be licensed barbers, aestheticians, or cosmetologists, 2 members shall
6 be public members, one member shall be a representative of a private school of
7 barbering or cosmetology, one member shall be a representative of a public school of
8 barbering or cosmetology and one member shall be a licensed electrologist. Except
9 for the 2 members representing schools, no member may be connected with or have
10 any financial interest in a barbering or cosmetology school.

11 ***-1465/P4.68* *-0808/2.49* SECTION 154.** 15.406 (2) (intro.) of the statutes is
12 amended to read:

13 15.406 (2) DIETITIANS AFFILIATED CREDENTIALING BOARD. (intro.) There is created
14 in the department of ~~regulation and licensing~~ safety and professional services,
15 attached to the medical examining board, a dietitians affiliated credentialing board
16 consisting of the following members appointed for 4-year terms:

17 ***-1465/P4.69* *-0808/2.50* SECTION 155.** 15.406 (3) (intro.) of the statutes is
18 amended to read:

19 15.406 (3) PODIATRY AFFILIATED CREDENTIALING BOARD. (intro.) There is created
20 in the department of ~~regulation and licensing~~ safety and professional services,
21 attached to the medical examining board, a podiatry affiliated credentialing board
22 consisting of the following members appointed for 4-year terms:

23 ***-1465/P4.70* *-0808/2.51* SECTION 156.** 15.406 (4) (intro.) of the statutes is
24 amended to read:

1 15.406 (4) ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD. (intro.) There
2 is created in the department of ~~regulation and licensing~~ safety and professional
3 services, attached to the medical examining board, an athletic trainers affiliated
4 credentialing board consisting of the following members appointed for 4-year terms:

5 ***-1465/P4.71* *-0808/2.52* SECTION 157.** 15.406 (5) (intro.) of the statutes is
6 amended to read:

7 15.406 (5) OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD. (intro.)
8 There is created in the department of ~~regulation and licensing~~ safety and
9 professional services, attached to the medical examining board, an occupational
10 therapists affiliated credentialing board consisting of the following members
11 appointed for 4-year terms:

12 ***-1465/P4.72* *-0808/2.53* SECTION 158.** 15.406 (6) (a) (intro.) of the statutes
13 is amended to read:

14 15.406 (6) (a) (intro.) There is created in the department of ~~regulation and~~
15 ~~licensing~~ safety and professional services, attached to the medical examining board,
16 a massage therapy and bodywork therapy affiliated credentialing board. The
17 affiliated credentialing board shall consist of the following 7 members appointed for
18 4-year terms:

19 ***-1465/P4.73* *-0808/2.54* SECTION 159.** 15.407 (1m) of the statutes is
20 amended to read:

21 15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is
22 created a respiratory care practitioners examining council in the department of
23 ~~regulation and licensing~~ safety and professional services and serving the medical
24 examining board in an advisory capacity in the formulating of rules to be
25 promulgated by the medical examining board for the regulation of respiratory care

1 practitioners. The respiratory care practitioners examining council shall consist of
2 3 certified respiratory care practitioners, each of whom shall have engaged in the
3 practice of respiratory care for at least 3 years preceding appointment, one physician
4 and one public member. The respiratory care practitioner and physician members
5 shall be appointed by the medical examining board. The members of the examining
6 council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply
7 to the respiratory care practitioners examining council.

8 ***-1465/P4.74* *-0808/2.55* SECTION 160.** 15.407 (2) (intro.) of the statutes is
9 amended to read:

10 15.407 (2) COUNCIL ON PHYSICIAN ASSISTANTS. (intro.) There is created a council
11 on physician assistants in the department of ~~regulation and licensing~~ safety and
12 professional services and serving the medical examining board in an advisory
13 capacity. The council's membership shall consist of:

14 ***-1465/P4.75* *-0808/2.56* SECTION 161.** 15.407 (2m) (intro.) of the statutes
15 is amended to read:

16 15.407 (2m) (intro.) There is created a perfusionists examining council in the
17 department of ~~regulation and licensing~~ safety and professional services and serving
18 the medical examining board in an advisory capacity. The council shall consist of the
19 following members appointed for 3-year terms:

20 ***-1465/P4.76* *-0808/2.57* SECTION 162.** 15.407 (3) of the statutes is
21 amended to read:

22 15.407 (3) EXAMINING COUNCILS; BOARD OF NURSING. The following examining
23 councils are created in the department of ~~regulation and licensing~~ safety and
24 professional services to serve the board of nursing in an advisory capacity. Section
25 15.08 (1) to (4) (a) and (6) to (10), applies to the examining councils.

***-1272/P4.8* SECTION 163.** 15.407 (5) of the statutes is amended to read:

15.407 (5) COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS. There is created in the department or ~~regulation and licensing~~ safety and professional services a council on real estate curriculum and examinations consisting of 7 members appointed for 4-year terms. Five members shall be real estate brokers or salespersons licensed under ch. 452 and 2 members shall be public members. Of the real estate broker or salesperson members, one member shall be a member of the real estate examining board appointed by the real estate examining board, at least 2 members shall be licensed real estate brokers with at least 5 years of experience as real estate brokers, and at least one member shall be a licensed real estate salesperson with at least 2 years of experience as a real estate salesperson. Of the 2 public members, at least one member shall have at least 2 years of experience in planning or presenting real estate educational programs. No member of the council may serve more than 2 consecutive terms.

****NOTE: This is reconciled s. 15.407 (5). This SECTION has been affected by drafts with the following LRB numbers: -1272/P3 and -1465/P3.

***-1465/P4.77* *-0808/2.59* SECTION 164.** 15.407 (6) (intro.) of the statutes is amended to read:

15.407 (6) PHARMACIST ADVISORY COUNCIL. (intro.) There is created a pharmacist advisory council in the department of ~~regulation and licensing~~ safety and professional services and serving the pharmacy examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

***-1465/P4.78* *-0808/2.60* SECTION 165.** 15.407 (7) (a) of the statutes is amended to read:

1 15.407 (7) (a) There is created a massage therapy and bodywork council in the
2 department of ~~regulation and licensing~~ safety and professional services, serving the
3 department in an advisory capacity. The council shall consist of 7 members,
4 appointed for 4-year terms, who are massage therapists or bodyworkers certified
5 under ch. 460 and who have engaged in the practice of massage therapy or bodywork
6 for at least 2 years preceding appointment.

7 ***-1465/P4.79* *-0808/2.61* SECTION 166.** 15.407 (8) (intro.) of the statutes is
8 amended to read:

9 15.407 (8) CREMATORY AUTHORITY COUNCIL. (intro.) There is created a crematory
10 authority council in the department of ~~regulation and licensing~~ safety and
11 professional services consisting of the secretary of ~~regulation and licensing~~ safety
12 and professional services or a designee of the secretary, who shall serve as a
13 nonvoting member, and the following persons appointed for 3-year terms:

14 ***-1465/P4.80* *-0808/2.62* SECTION 167.** 15.407 (9) (a) (intro.) of the statutes
15 is amended to read:

16 15.407 (9) (a) (intro.) There is created a sign language interpreter council in
17 the department of ~~regulation and licensing~~ safety and professional services
18 consisting of the secretary of ~~regulation and licensing~~ safety and professional
19 services or a designee of the secretary and the following 8 members nominated by the
20 governor, and with the advice and consent of the senate appointed, for 3-year terms:

21 ***-1465/P4.81* *-1059/P3.24* SECTION 168.** 15.435 (1) (a) 1. of the statutes is
22 amended to read:

23 15.435 (1) (a) 1. The ~~secretary of commerce~~ chief executive officer of the
24 Wisconsin Economic Development Corporation and the secretary of revenue or their
25 designees.

1 ***-1097/3.2* SECTION 169.** 15.445 (1) of the statutes is amended to read:

2 15.445 (1) ARTS BOARD. There is created an arts board ~~which is attached to in~~
3 the department of tourism ~~unders. 15.03~~. The arts board shall consist of 15 members
4 appointed for 3-year terms who are residents of this state and who are known for
5 their concern for the arts. At least 2 members shall be from the northwest portion
6 of this state, at least 2 members shall be from the northeast portion of this state, at
7 least 2 members shall be from the southwest portion of this state, and at least 2
8 members shall be from the southeast portion of this state.

9 ***-1465/P4.82* *-0808/2.63* SECTION 170.** 15.445 (2) (e) of the statutes is
10 amended to read:

11 15.445 (2) (e) *Liaison representatives.* The secretary of agriculture, trade and
12 consumer protection, the secretary of natural resources, the secretary of
13 transportation, ~~the secretary of commerce~~, the secretary of administration, the
14 director of the state historical society and the chancellor of the University of
15 Wisconsin-Extension, or their designees, shall serve as liaison representatives to
16 the board. The board may request any federally recognized American Indian tribe
17 or band in this state, other than the Ho-Chunk Nation, that expresses an interest
18 in the governance of the Kickapoo valley reserve to appoint a liaison representative
19 to the board. The liaison representatives are not board members and have no voting
20 power.

21 ***-1187/P5.40* SECTION 171.** 15.67 (1) (a) 1m. of the statutes is created to read:

22 15.67 (1) (a) 1m. One member of the board of trustees of the University of
23 Wisconsin-Madison.

24 ***-1187/P5.41* SECTION 172.** 15.797 (1) (b) 8. of the statutes is amended to read:

1 15.797 (1) (b) 8. One member who is a University of Wisconsin System or
2 University of Wisconsin-Madison faculty member with expertise regarding the
3 health impacts of wind energy systems.

4 ***-1187/P5.42* SECTION 173.** 15.91 of the statutes is amended to read:

5 **15.91 Board of regents of the University of Wisconsin System; creation.**

6 There is created a board of regents of the University of Wisconsin System consisting
7 of the state superintendent of public instruction, the president, or by his or her
8 designation another member, of the technical college system board and 14 citizen
9 members appointed for staggered 7-year terms, and 2 students enrolled at least
10 half-time and in good academic standing at institutions within the University of
11 Wisconsin System who are residents of this state, for 2-year terms. The student
12 members may be selected from recommendations made by elected representatives
13 of student governments at institutions within the University of Wisconsin System.
14 The governor shall appoint one student member who is at least 18 years old and one
15 undergraduate student member who is at least 24 years old and represents the views
16 of nontraditional students, such as those who are employed or are parents. The
17 governor may not appoint a student member from the same institution in any 2
18 consecutive terms; and the 2 student members who are appointed may not be from
19 the same institution; ~~and a student from the University of Wisconsin-Madison and~~
20 ~~a student from the University of Wisconsin-Milwaukee may not serve on the Board~~
21 ~~of Regents at the same time.~~ If a student member loses the status upon which the
22 appointment was based, he or she shall cease to be a member of the board of regents.

23 ***-1187/P5.43* SECTION 174.** 15.915 (1) of the statutes is repealed.

24 ***-1187/P5.44* SECTION 175.** 15.915 (2) of the statutes is repealed.

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1 ***-1465/P4.83* *-0808/2.64* SECTION 176.** 15.917 (1) (intro.) of the statutes is
2 amended to read:

3 15.917 (1) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
4 University of Wisconsin System a rural health development council consisting of 17
5 members nominated by the governor, and with the advice and consent of the senate
6 appointed, for 5-year terms, and the secretaries secretary of ~~commerce and~~ health
7 services, or ~~their designees~~ his or her designee. The appointed members shall
8 include all of the following:

9 ***-1187/P5.45* SECTION 177.** 15.917 (1) (a) of the statutes is amended to read:

10 15.917 (1) (a) A representative of the University of Wisconsin ~~Medical School~~
11 of Medicine and Public Health.

12 ***-1187/P5.46* SECTION 178.** 15.94 (intro.) of the statutes is amended to read:

13 **15.94 Technical college system board; creation.** (intro.) There is created
14 a technical college system board consisting of ~~13~~ 14 members. No person may serve
15 as president of the board for more than 2 successive annual terms. The board shall
16 be composed of:

17 ***-1187/P5.47* SECTION 179.** 15.94 (2v) of the statutes is created to read:

18 15.94 (2v) The chairperson, or by his or her designation another member, of the
19 board of trustees of the University of Wisconsin-Madison.

20 ***-1187/P5.48* SECTION 180.** 15.96 (1) (b) of the statutes is amended to read:

21 15.96 (1) (b) Three members of the board of ~~regents~~ trustees of the University
22 of Wisconsin-Madison appointed by the ~~president~~ chairperson of the board of ~~regents~~
23 trustees.

24 ***-1187/P5.49* SECTION 181.** 15.96 (1) (d) of the statutes is amended to read:

1 15.96 (1) (d) The dean of the University of ~~Wisconsin-Madison Medical~~
2 Wisconsin School of Medicine and Public Health.

3 ***-1187/P5.50* SECTION 182.** 15.96 (1) (e) of the statutes is amended to read:

4 15.96 (1) (e) A chairperson of a department at the University of
5 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
6 appointed by the chancellor of the University of Wisconsin-Madison.

7 ***-1187/P5.51* SECTION 183.** 15.96 (1) (f) of the statutes is amended to read:

8 15.96 (1) (f) A faculty member of a health professions school of the University
9 of Wisconsin-Madison ~~health professions school~~, other than the University of
10 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health,
11 appointed by the chancellor of the University of Wisconsin-Madison.

12 ***-1187/P5.52* SECTION 184.** 16.002 (2) of the statutes, as affected by 2011
13 Wisconsin Act 7, is amended to read:

14 16.002 (2) "Departments" means constitutional offices, departments, and
15 independent agencies and includes all societies, associations, and other agencies of
16 state government for which appropriations are made by law, but not including
17 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ~~chs.~~ ch. 37, 52,
18 231, 232, 233, 234, 235, 237, 238, or 279.

****NOTE: The above exempts the UW from the following:

Section 16.52 (11), which allows the DOA secretary to "allocate and charge, and ...
prescribe the procedures for departments to allocate and charge, the central services
costs of [DOA] or of individual departments to selected federal grants or contracts."

Section 16.53 (1) (ca), which requires all departments to "diligently review and
supervise the travel expenditures of their employees" and allows them to promulgate
rules governing such expenditures that are consistent with uniform guidelines
established under s. 20.916 (8).

Section 16.54 (10), which requires all departments, "before acceptance of any
federal grant on behalf of the state which will or may involve the provision of auditing
services by the legislative audit bureau," to provide written notification to the state
auditor.

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Section 16.61 (3) (d) 1., which requires the public records board to establish a system for protecting essential public records in the event of a disaster and consult with state departments in determining what public records are essential for such system.

Section 16.61 (3) (d) 4., which requires the public records board to furnish state departments with copies of its final plan for preserving essential public records.

Section 16.85 (6), which requires DOA to "approve the appointment of a principal engineer or architect for departments, boards and commissions and when such continuous service is needed."

1 ***-1187/P5.53* SECTION 185.** 16.004 (4) of the statutes, as affected by 2011
2 Wisconsin Act 7, is amended to read:

3 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
4 department as the secretary designates may enter into the offices of state agencies
5 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
6 chs. 37, 52, 231, 233, 234, 237, 238, and 279, and may examine their books and
7 accounts and any other matter that in the secretary's judgment should be examined
8 and may interrogate the agency's employees publicly or privately relative thereto.

9 ***-1187/P5.54* SECTION 186.** 16.004 (5) of the statutes, as affected by 2011
10 Wisconsin Act 7, is amended to read:

11 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
12 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
13 37, 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall
14 cooperate with the secretary and shall comply with every request of the secretary
15 relating to his or her functions.

16 ***-1187/P5.55* SECTION 187.** 16.004 (8) (am) of the statutes is amended to read:

17 16.004 (8) (am) The secretary shall maintain a system of rental policies for
18 state-owned housing administered by all agencies other than the University of
19 Wisconsin-Madison, and shall periodically review the system for possible changes.
20 Whenever the secretary proposes to change rental policies other than rental rates,

1 the secretary shall submit a report relating to the system to the joint committee on
2 finance. The report shall include any changes in rental policies recommended by the
3 secretary.

4 ***-1187/P5.56* SECTION 188.** 16.004 (12) (a) of the statutes, as affected by 2011
5 Wisconsin Act 7, is amended to read:

6 16.004 (12) (a) In this subsection, "state agency" means an association,
7 authority, board, department, commission, independent agency, institution, office,
8 society, or other body in state government created or authorized to be created by the
9 constitution or any law, including the legislature, the office of the governor, and the
10 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
11 the University of Wisconsin-Madison, the Wisconsin Aerospace Authority, the
12 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
13 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
14 Development Corporation, and the Fox River Navigational System Authority.

15 ***-1252/P3.1* SECTION 189.** 16.004 (15) (bm) of the statutes is repealed.

16 ***-0241/4.1* SECTION 190.** 16.009 (1) (em) 6. of the statutes is amended to read:

17 16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

18 ***-1187/P5.57* SECTION 191.** 16.04 (1) (intro.) of the statutes is amended to
19 read:

20 16.04 (1) (intro.) The department shall ensure optimum efficiency and economy
21 in the fleet management and maintenance activities of all agencies, as defined in s.
22 16.52 (7), other than the University of Wisconsin- Madison. The department may:

23 ***-1224/P3.2* SECTION 192.** 16.04 (1) (a) of the statutes is amended to read:

24 16.04 (1) (a) Develop uniform state policies and guidelines for vehicle and
25 aircraft acquisition, use, maintenance, recording of operational and other costs,

1 performance evaluation and replacement of vehicles and aircraft. The department
2 shall incorporate the fuel usage ~~requirements~~ policies under s. 16.045 (4m) in any
3 policies or guidelines developed under this paragraph.

4 ***-1187/P5.58* SECTION 193.** 16.045 (1) (a) of the statutes, as affected by 2011
5 Wisconsin Act 7, is amended to read:

6 16.045 (1) (a) "Agency" means an office, department, independent agency,
7 institution of higher education, association, society, or other body in state
8 government created or authorized to be created by the constitution or any law, that
9 is entitled to expend moneys appropriated by law, including the legislature and the
10 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
11 ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, 238, or 279.

****NOTE: The above exempts the UW from DOA's authority over agency use of
gasohol, alternative fuels, and hybrid-electric vehicles.

12 ***-1224/P3.3* SECTION 194.** 16.045 (1) (f) of the statutes is repealed.

13 ***-1224/P3.4* SECTION 195.** 16.045 (2) of the statutes is amended to read:

14 16.045 (2) The department shall, whenever feasible, ~~require and cost-effective,~~
15 encourage agencies to store no motor fuel except gasohol or alternative fuel in
16 facilities maintained by the agencies for the storage of fuel for and the refueling of
17 state-owned or state-leased vehicles. This subsection does not authorize
18 construction or operation of such facilities.

19 ***-1224/P3.5* SECTION 196.** 16.045 (4) of the statutes is amended to read:

20 16.045 (4) The department shall ~~require, whenever feasible and cost-effective,~~
21 encourage all state employees to utilize hybrid-electric vehicles or vehicles that
22 operate on gasohol or alternative fuel for all state-owned or state-leased motor
23 vehicles whenever such utilization is feasible. However, the department shall not

1 lease or purchase any hybrid-electric vehicle, or authorize the lease or purchase of
2 any hybrid-electric vehicle, unless the manufacturer certifies to the department
3 that final assembly of the vehicle occurred in the United States.

4 ***-1224/P3.6* SECTION 197.** 16.045 (4m) (intro.) of the statutes is amended to
5 read:

6 16.045 (4m) (intro.) The department shall require, whenever feasible and
7 cost-effective, encourage all agencies to collectively reduce the usage of gasoline and
8 diesel fuel in state-owned vehicles that is petroleum-based below the total amount
9 that the agencies used in 2006 by at least the following percentages:

10 ***-1224/P3.7* SECTION 198.** 16.045 (4m) (a) (intro.) and 1. of the statutes are
11 consolidated, renumbered 16.045 (4m) (a) and amended to read:

12 16.045 (4m) (a) For gasoline: ~~1. Twenty,~~ 20 percent by ~~2010~~ 2015.

13 ***-1224/P3.8* SECTION 199.** 16.045 (4m) (a) 2. of the statutes is repealed.

14 ***-1224/P3.9* SECTION 200.** 16.045 (4m) (b) (intro.) and 1. of the statutes are
15 consolidated, renumbered 16.045 (4m) (b) and amended to read:

16 16.045 (4m) (b) For diesel fuel: ~~1. Ten,~~ 10 percent by ~~2010~~ 2015.

17 ***-1224/P3.10* SECTION 201.** 16.045 (4m) (b) 2. of the statutes is repealed.

18 ***-1224/P3.11* SECTION 202.** 16.045 (5) of the statutes is amended to read:

19 16.045 (5) The department shall, whenever feasible and cost-effective,
20 encourage distribution of gasohol and alternative fuels and usage of hybrid-electric
21 vehicles or vehicles that operate on gasohol or alternative fuels by officers and
22 employees who use personal motor vehicles on state business and by residents of this
23 state generally. The department shall report to the appropriate standing committees
24 ~~under s. 13.172 (3) concerning distribution of gasohol and alternative fuels and usage~~

1 of hybrid electric vehicles and vehicles that operate on gasohol or alternative fuels
2 in this state, no later than April 30 of each year.

3 ***-1224/P3.12* SECTION 203.** 16.045 (6) of the statutes is repealed.

4 ***-1050/P3.1* SECTION 204.** 16.15 (1) (ae) of the statutes is amended to read:

5 16.15 (1) (ae) "Cost of disposing of processed material" ~~has the meaning given~~
6 ~~in s. 287.11 (2m) (a) 1~~ means the gross cost of transferring processed material to a
7 solid waste disposal facility and disposing of the processed material in the facility,
8 including any disposal costs not paid through fees charged by the facility.

9 ***-1050/P3.2* SECTION 205.** 16.15 (1) (ah) of the statutes is amended to read:

10 16.15 (1) (ah) "Cost of selling processed material" ~~has the meaning given in s.~~
11 ~~287.11 (2m) (a) 2~~ means the net cost, including any storage costs, of selling processed
12 material to a broker, dealer or manufacturing facility, plus any cost of transporting
13 the processed material from the waste processing facility to the destination specified
14 by the broker, dealer, or manufacturing facility.

15 ***-1050/P3.3* SECTION 206.** 16.15 (1) (ar) of the statutes is amended to read:

16 16.15 (1) (ar) "Processed material" ~~has the meaning given in s. 287.11 (2m) (a)~~
17 ~~3~~ means a component of solid waste that has been collected, transported to a waste
18 processing facility, and prepared for sale to a broker, dealer, or manufacturer.

19 ***-0830/P6.1* SECTION 207.** 16.19 of the statutes is repealed.

20 ***-0698/3.5* SECTION 208.** 16.255 (1) (intro.) of the statutes is amended to read:

21 16.255 (1) (intro.) The department shall determine the factors to be considered
22 in selecting a vendor of the program under s. 14.64 16.641, which shall include:

23 ***-0698/3.6* SECTION 209.** 16.255 (3) (d) of the statutes is amended to read:

24 16.255 (3) (d) That the vendor communicate to the beneficiary and account
25 owner the requirements of s. 14.64 16.641 (8).

1 ***-1231/2.4* SECTION 210.** 16.257 of the statutes is repealed.

2 ***-1019/5.1* SECTION 211.** 16.27 (5) (c) of the statutes is amended to read:

3 16.27 (5) (c) A household entirely composed of persons receiving aid to families
4 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2036, or
5 supplemental security income or state supplemental payments under 42 USC 1381
6 to 1383c or s. ~~49.77~~ 49.39.

7 ***-1195/2.1* SECTION 212.** 16.27 (5) (c) of the statutes, as affected by 2011
8 Wisconsin Act (this act), is amended to read:

9 16.27 (5) (c) A household entirely composed of persons receiving aid to families
10 with dependent children under s. 49.19, ~~food stamps~~ supplemental nutrition
11 assistance program benefits under 7 USC 2011 to 2036, or supplemental security
12 income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.39.

 ****NOTE: This is reconciled s. 16.27 (5) (c). This SECTION has been affected by drafts
 with the following LRB numbers: 1019/4 and 1195/1.

13 ***-1195/2.2* SECTION 213.** 16.27 (5) (e) of the statutes is amended to read:

14 16.27 (5) (e) A household that is not eligible under par. (c) that includes at least
15 one person who is eligible for ~~food stamps~~ supplemental nutrition assistance
16 program benefits under 7 USC 2011 to 2036, excluding any household in an
17 institution, as defined by the department of health services by rule.
18 Notwithstanding sub. (6), a household under this paragraph shall be eligible for a
19 heating assistance benefit of not more than \$1.

20 ***-1450/2.2* SECTION 214.** 16.28 of the statutes is created to read:

21 **16.28 Office of business development.** (1) The office of business
22 development shall perform the functions determined by the secretary.

(2) The deputy director of the office shall be appointed by the governor to serve at his or her pleasure.

***-1465/P4.84* *-0805/P2.3* SECTION 215.** 16.40 (24) of the statutes is created to read:

16.40 (24) Ensure performance of a duty or satisfaction of an obligation transferred to the Wisconsin Housing and Economic Development Authority under 2011 Wisconsin Act (this act), section 9110 (1), if the Wisconsin Housing and Economic Development Authority fails to perform the duty or satisfy the obligation.

***-1187/P5.59* SECTION 216.** 16.41 (1) of the statutes is amended to read:

16.41 (1) All agencies shall keep their accounts and other financial records as prescribed by the secretary under s. 16.40 (5), except as otherwise specifically directed by law. All agencies and authorities and the University of Wisconsin-Madison shall furnish to the secretary all information relating to their financial transactions which the secretary requests pursuant to this subchapter for such periods as the secretary requests, and shall render such assistance in connection with the preparation of the state budget report and the budget bill and in auditing accounts, as the secretary or the governor may require.

***-1187/P5.60* SECTION 217.** 16.417 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7, section 19, is amended to read:

16.417 (1) (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority or the body created under subch. III of ch. 149 or under ch. 37 or 238.

****NOTE: The above exempts the UW from the dual retention/employment requirements of s. 16.417 that apply to agencies and authorities. Note that s. 16.417 (1) (b) defines "authority" to include authorities created under specified statutes. By not including the UW in s. 16.417 (1) (b), and by excluding the UW from the definition of "agency" in the above, this draft exempts the UW from s. 16.417.

1 ***-1187/P5.61* SECTION 218.** 16.417 (1) (a) of the statutes, as affected by 2011
2 Wisconsin Act 7, section 20, and 2011 Wisconsin Act (this act), is repealed and
3 recreated to read:

4 16.417 (1) (a) "Agency" means an office, department, independent agency,
5 institution of higher education, association, society, or other body in state
6 government created or authorized to be created by the constitution or any law, that
7 is entitled to expend moneys appropriated by law, including the legislature and the
8 courts, but not including an authority or the body created under subch. III of ch. 149
9 or under ch. 37.

10 ***-1187/P5.62* SECTION 219.** 16.42 (1) (intro.) of the statutes is amended to
11 read:

12 16.42 (1) (intro.) All agencies, ~~other than~~ including the University of
13 Wisconsin-Madison but excluding the legislature and the courts, no later than
14 September 15 of each even-numbered year, in the form and content prescribed by the
15 department, shall prepare and forward to the department and to the legislative fiscal
16 bureau the following program and financial information:

17 ***-0393/2.1* SECTION 220.** 16.505 (2m) of the statutes is amended to read:

18 16.505 (2m) The board of regents of the University of Wisconsin System may
19 create or abolish a full-time equivalent position or portion thereof from revenues
20 appropriated under s. 20.285 (1) (~~gs~~), (h), (ip), (iz), (j), (~~ke~~), (m), (n), or (q) to (w) or (3)
21 (iz) or (n) and may create or abolish a full-time equivalent position or portion thereof
22 from revenues appropriated under s. 20.285 (1) (im) that are generated from

1 increased enrollment and from courses for which the academic fees or tuition
2 charged equals the full cost of offering the courses. No later than the last day of the
3 month following completion of each calendar quarter, the board of regents shall
4 report to the department and the cochairpersons of the joint committee on finance
5 concerning the number of full-time equivalent positions created or abolished by the
6 board under this subsection during the preceding calendar quarter and the source
7 of funding for each such position.

8 ***-1187/P5.63* SECTION 221.** 16.513 (1) of the statutes is amended to read:

9 16.513 (1) Each agency, including the University of Wisconsin-Madison, which
10 has a program revenue appropriation or appropriation of segregated revenues from
11 program receipts shall, at such times as required by the secretary, make quarterly
12 reports to the department projecting the revenues and expenditures for the ensuing
13 quarterly period under each such appropriation to the agency.

14 ***-1187/P5.64* SECTION 222.** 16.513 (3) (a) of the statutes is amended to read:

15 16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,
16 as determined under s. 20.903 (2), that are projected by an agency, including the
17 University of Wisconsin-Madison, or projected by the department under s. 16.40 (7)
18 to cover anticipated expenditures under a program revenue appropriation or
19 appropriation of segregated revenues from program receipts, the agency shall
20 propose and submit to the department a plan to assure that there are sufficient
21 moneys, assets, or accounts receivable to meet projected expenditures under the
22 appropriation.

23 ***-1187/P5.65* SECTION 223.** 16.528 (1) (a) of the statutes, as affected by 2011
24 Wisconsin Act 7, is amended to read:

1 16.528 (1) (a) "Agency" means an office, department, independent agency,
2 institution of higher education, association, society, or other body in state
3 government created or authorized to be created by the constitution or any law, that
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
6 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

 ***NOTE: The above exempts the UW from the requirements under s. 16.528 for
an agency to pay interest on late payments made by the agency.

7 ***-1187/P5.66* SECTION 224.** 16.53 (2) of the statutes, as affected by 2011
8 Wisconsin Act 7, is amended to read:

9 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
10 invoice, the agency shall notify the sender of the invoice within 10 working days after
11 it receives the invoice of the reason it is improperly completed. In this subsection,
12 "agency" means an office, department, independent agency, institution of higher
13 education, association, society, or other body in state government created or
14 authorized to be created by the constitution or any law, that is entitled to expend
15 moneys appropriated by law, including the legislature and the courts, but not
16 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
17 37, 52, 231, 233, 234, 237, 238, or 279.

18 ***-1187/P5.67* SECTION 225.** 16.53 (7) of the statutes is amended to read:

19 16.53 (7) CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT. The
20 certificate of the proper officers of the ~~board of regents~~ Board of Regents of the
21 University of Wisconsin System, the Board of Trustees of the University of
22 Wisconsin-Madison, the department of health services, or the proper officers of any

1 other board or commission organized or established by the state, shall in all cases be
2 evidence of the correctness of any account which may be certified by them.

3 ***-1187/P5.68* SECTION 226.** 16.54 (8g) of the statutes is amended to read:

4 16.54 (8g) Subsections (1) to (8) do not apply to federal moneys made available
5 to the ~~board of regents~~ Board of Regents of the University of Wisconsin System ~~or the~~
6 Board of Trustees of the University of Wisconsin-Madison for instruction, extension,
7 special projects or emergency employment opportunities.

****NOTE: The above ensures that the UW maintains an exemption under current
law that applies to the UW-System.

8 ***-1187/P5.69* SECTION 227.** 16.54 (8r) (a) of the statutes is amended to read:

9 16.54 (8r) (a) Whenever the federal government makes available moneys for
10 instruction, extension, special projects or emergency employment opportunities, the
11 ~~board of regents~~ Board of Regents of the University of Wisconsin System ~~and the~~
12 Board of Trustees of the University of Wisconsin-Madison may accept the moneys
13 on behalf of the state. The ~~board of regents~~ Board of Regents and the Board of
14 Trustees shall, in the administration of the expenditure of such moneys, comply with
15 the requirements of the act of congress making the moneys available and with the
16 regulations prescribed by the federal government or the federal agency
17 administering the act, insofar as the act or regulations are consistent with state law.
18 The ~~board of regents~~ Board of Regents and the Board of Trustees may submit any
19 plan, budget, application or proposal required by the federal agency as a precondition
20 to receipt of the moneys. The ~~board of regents~~ Board of Regents and the Board of
21 Trustees may, consistent with state law, perform any act required by the act of
22 congress or the federal agency to carry out the purpose of the act of congress. The

1 ~~board of regents~~ Board of Regents shall deposit all moneys received under this
2 paragraph in the appropriation account under s. 20.285 (1) (m).

3 ***-1187/P5.70* SECTION 228.** 16.54 (9) (a) 1. of the statutes, as affected by 2011
4 Wisconsin Act 7, is amended to read:

5 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
6 institution of higher education, association, society or other body in state
7 government created or authorized to be created by the constitution or any law, which
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
10 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

***NOTE: The above exempts the UW from the requirements under s. 16.54 (9) that
apply to "moneys received by an agency from the federal government as reimbursement
for indirect costs of administration of a federal grant or contract for which no specific use
is mandated by the federal government."

11 ***-1465/P4.85* *-1059/P3.25* SECTION 229.** 16.54 (14) of the statutes is
12 repealed.

13 ***-1322/2.1* SECTION 230.** 16.548 (1) of the statutes is amended to read:

14 16.548 (1) The department may maintain a federal-state relations office in
15 Washington, D.C., for the purpose of promoting federal-state cooperation, headed by
16 a director. The director and a staff assistant for the office shall be appointed by the
17 governor outside the classified service, ~~subject to the concurrence of the joint~~
18 ~~committee on legislative organization.~~ The director and staff assistant shall serve
19 at the pleasure of the governor.

20 ***-1187/P5.71* SECTION 231.** 16.61 (13) (a) of the statutes is amended to read:

21 16.61 (13) (a) The historical society, as trustee for the state, shall be the
22 ultimate depository of the archives of the state, and the board may transfer to the
23 society such original records and reproductions as it deems proper and worthy of

1 permanent preservation, including records and reproductions which the custodian
2 thereof has been specifically directed by statute to preserve or keep in the custodian's
3 office. The permanent preservation of records of the University of Wisconsin System
4 and of the University of Wisconsin-Madison may be accomplished under par. (b).
5 The society may deposit in the regional depositories established under s. 44.10, title
6 remaining with the society, the records of state agencies or their district or regional
7 offices which are primarily created in the geographic area serviced by the depository,
8 but the records of all central departments, offices, establishments and agencies shall
9 remain in the main archives in the capital city under the society's immediate
10 jurisdiction, except that the society may place the records temporarily at a regional
11 depository for periods of time to be determined by the society. Nothing in this
12 subsection nor in ch. 44 prevents the society's taking the steps for the safety of
13 articles and materials entrusted to its care in library, museum or archives, including
14 temporary removal to safer locations, dictated by emergency conditions arising from
15 a state of war, civil rebellion or other catastrophe.

16 ***-1187/P5.72* SECTION 232.** 16.61 (13) (b) of the statutes is amended to read:

17 16.61 (13) (b) The board may designate an archival depository at the
18 University of Wisconsin-Madison and at each university as defined in s. 36.05 (13)
19 which shall meet standards for university archival depositories established by the
20 board with the advice of the ~~board of regents~~ Board of Trustees, the Board of Regents,
21 and the historical society or their respective designated representatives. The board
22 may transfer to the appropriate university archival depository all original records
23 and reproductions the board deems worthy of permanent preservation.

24 ***-1187/P5.73* SECTION 233.** 16.70 (2) of the statutes is amended to read:

1 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.
2 III of ch. 149 or under ch. 37, 52, 231, 232, 233, 234, 235, 237, or 279.

3 *-1252/P3.2* SECTION 234. 16.70 (3g) of the statutes is renumbered 84.01 (13)

4 (a) and amended to read:

5 84.01 (13) (a) ~~Cost-benefit~~ In this subsection, "cost-benefit analysis" means
6 a comprehensive study to identify and compare the total cost, quality, technical
7 expertise, and timeliness of a service performed by state employees and resources
8 with the total cost, quality, technical expertise, and timeliness of the same service
9 obtained by means of a contract for contractual services.

10 *-1262/2.2* SECTION 235. 16.705 (1p) of the statutes is created to read:

11 16.705 (1p) Subsection (1) does not apply to an agreement entered into by the
12 department of veterans affairs under s. 45.50 (2m) (c).

13 *-1187/P5.74* SECTION 236. 16.705 (1r) (d) of the statutes is amended to read:

14 16.705 (1r) (d) Contractual services purchased by the Board of Regents of the
15 University of Wisconsin System with moneys appropriated under s. 20.285 (1) (j),
16 (ja), (jm), (u), or (w) ~~or (5) (j)~~.

17 *-1187/P5.75* SECTION 237. 16.705 (1r) (e) of the statutes is created to read:

18 16.705 (1r) (e) Contractual services purchased by the Board of Trustees of the
19 University of Wisconsin-Madison with moneys other than moneys appropriated
20 under s. 20.280 (1) (a) to (s).

21 *-1252/P3.3* SECTION 238. 16.705 (2) of the statutes is repealed.

22 *-1252/P3.4* SECTION 239. 16.705 (3) of the statutes is repealed.

23 *-1252/P3.5* SECTION 240. 16.705 (8) of the statutes is repealed.

24 *-1263/P2.1* SECTION 241. 16.705 (9) of the statutes is created to read:

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1 16.705 (9) The department shall maintain a list of persons that are or have
2 been a party to a contract with the state under this subchapter who have violated a
3 provision of this subchapter or a contract under this subchapter. The parties on the
4 list are ineligible for state contracts and no state contract may be awarded to a party
5 on the ineligible list. The department may remove any party from the ineligible list
6 if the department determines that the party's practices comply with this subchapter
7 and provide adequate safeguards against future violations of this subchapter or
8 contracts under this subchapter.

9 ***-1187/P5.76* SECTION 242.** 16.71 (4) of the statutes is created to read:

10 16.71 (4) The department shall delegate to the Board of Trustees of the
11 University of Wisconsin-Madison the authority to enter into contracts for materials,
12 supplies, equipment, or services that relate to higher education and that agencies
13 other than the University of Wisconsin-System or the University of
14 Wisconsin-Madison do not commonly purchase.

15 ***-1267/P1.1* SECTION 243.** 16.72 (2) (d) of the statutes is repealed.

16 ***-1187/P5.77* SECTION 244.** 16.72 (8) of the statutes is amended to read:

17 16.72 (8) The department may purchase educational technology materials,
18 supplies, equipment, or contractual services from orders placed with the department
19 by school districts, cooperative educational service agencies, technical college
20 districts, ~~and the board of regents~~ Board of Regents of the University of Wisconsin
21 System, ~~and the Board of Trustees of the University of Wisconsin-Madison.~~

22 ***-1187/P5.78* SECTION 245.** 16.73 (4m) of the statutes is created to read:

23 16.73 (4m) The Board of Trustees of the University of Wisconsin-Madison may
24 enter into agreements with other higher education institutions under which any of
25 the parties may agree to participate in, administer, sponsor, or conduct purchasing

1 of materials, supplies, equipment, permanent personal property, miscellaneous
2 capital, or contractual services. The University of Wisconsin-Madison may
3 purchase from any vendor selected as a result of such purchasing agreements.

****NOTE: Please review this provision.

4 ***-1187/P5.79* SECTION 246.** 16.73 (5) of the statutes is amended to read:

5 16.73 (5) If the department designates the ~~board of regents~~ Board of Trustees
6 of the University of ~~Wisconsin-System~~ Wisconsin-Madison as its purchasing agent
7 for any purpose under s. 16.71 (1), the board may enter into a contract to sell any
8 materials, supplies, equipment or contractual services purchased by the board to the
9 University of Wisconsin Hospitals and Clinics Authority, and may contract with the
10 University of Wisconsin Hospitals and Clinics Authority for the joint purchase of any
11 materials, supplies, equipment or contractual services if the sale or purchase is made
12 consistently with that delegation and with this subchapter.

13 ***-1216/P2.1* SECTION 247.** 16.75 (1) (b) of the statutes is amended to read:

14 16.75 (1) (b) When the estimated cost exceeds ~~\$25,000~~ \$50,000, the department
15 or the University of Wisconsin-Madison, whichever is making the purchase, shall

16 invite bids to be submitted. The department or the University of Wisconsin-Madison

17 ~~shall either~~ ^{either} solicit sealed bids to be opened publicly at a specified date and time, or

18 shall solicit bidding by auction to be conducted electronically at a specified date and

19 time. Whenever bids are invited, due notice inviting bids shall be published as a class

20 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by

21 the department or the University of Wisconsin-Madison, whichever is making the

22 purchase. The bid opening or auction shall occur at least 7 days after the date of the

23 last insertion of the notice or at least 7 days after the date of posting on the Internet.

24 The notice shall specify whether sealed bids are invited or bids will be accepted by

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1 auction, and shall give a clear description of the materials, supplies, equipment, or
2 contractual services to be purchased, the amount of any bond, share draft, check, or
3 other draft to be submitted as surety with the bid or prior to the auction, and the date
4 and time that the public opening or the auction will be held.

****NOTE: This is reconciled s. 16.75 (1) (b). This SECTION has been affected by drafts
with the following LRB numbers: -1216/p2 and -1187/p5.

5 ***-1216/P2.2* SECTION 248.** 16.75 (1) (c) of the statutes is amended to read:

6 16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is \$25,000
7 \$50,000[✓] or less, the award may be made in accordance with simplified procedures
8 established by the department or the University of Wisconsin-Madison, whichever
9 is making the purchase, for such transactions.

****NOTE: This is reconciled s. 16.75 (1) (c). This SECTION has been affected by drafts
with the following LRB numbers: -1216/p2 and -1187/p5.

10 ***-1216/P2.3* SECTION 249.** 16.75 (2m) (b) of the statutes is amended to read:

11 16.75 (2m) (b) When the estimated cost exceeds \$25,000[✓] \$50,000, the
12 department or the University of Wisconsin-Madison, whichever is making the
13 purchase, may invite competitive sealed proposals by publishing a class 2 notice
14 under ch. 985 or by posting notice on the Internet at a site determined or approved
15 by the department or the University of Wisconsin-Madison. The notice shall
16 describe the materials, supplies, equipment, or contractual services to be purchased,
17 the intent to make the procurement by solicitation of proposals rather than by
18 solicitation of bids, any requirement for surety and the date the proposals will be
19 opened, which shall be at least 7 days after the date of the last insertion of the notice
20 or at least 7 days after the date of posting on the Internet.

****NOTE: This is reconciled s. 16.75 (2m) (b). This SECTION has been affected by
drafts with the following LRB numbers: -1216/p2 and -1187/p5.

21 ***-1216/P2.4* SECTION 250.** 16.75 (2m) (c) of the statutes is amended to read:

1 16.75 (2m) (c) When the estimated cost is ~~\$25,000~~ \$50,000 or less, the
2 ~~department may award the order or contract~~ may be awarded in accordance with
3 simplified procedures established by the department or the University of
4 Wisconsin-Madison, whichever is making the purchase, for such transactions.

****NOTE: This is reconciled s. 16.75 (2m) (c). This SECTION has been affected by
drafts with the following LRB numbers: -1216/p2 and -1187/p5.

5 ***-1465/P4.86* *-0808/2.65* SECTION 251.** 16.75 (3m) (a) 1. of the statutes is
6 amended to read:

7 16.75 (3m) (a) 1. "Disabled veteran-owned business" means a business
8 certified by the department of ~~commerce~~ safety and professional services under s.
9 ~~560.0335~~ 490.02 (3).

10 ***-1465/P4.87* *-0808/2.66* SECTION 252.** 16.75 (3m) (a) 2. of the statutes is
11 amended to read:

12 16.75 (3m) (a) 2. "Disabled veteran-owned financial adviser" means a financial
13 adviser certified by the department of ~~commerce~~ safety and professional services
14 under s. ~~560.0335~~ 490.02 (3).

15 ***-1465/P4.88* *-0808/2.67* SECTION 253.** 16.75 (3m) (a) 3. of the statutes is
16 amended to read:

17 16.75 (3m) (a) 3. "Disabled veteran-owned investment firm" means an
18 investment firm certified by the department of ~~commerce~~ safety and professional
19 services under s. ~~560.0335~~ 490.02 (3).

20 ***-1465/P4.89* *-0808/2.68* SECTION 254.** 16.75 (3m) (a) 4. of the statutes is
21 amended to read:

22 16.75 (3m) (a) 4. "Minority business" means a business certified by the
23 department of ~~commerce~~ safety and professional services under s. ~~560.036~~ 490.04 (2).

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1 ***-1465/P4.90* *-0808/2.69* SECTION 255.** 16.75 (3m) (c) 5. a. of the statutes
2 is amended to read:

3 16.75 (3m) (c) 5. a. In determining whether a purchase, contract or subcontract
4 complies with the goal established under par. (b) 1. or s. 16.855 (10m) (am) 1., 16.87
5 (2) (b), or 25.185 (2), the department shall include only amounts paid to minority
6 businesses, minority financial advisers and minority investment firms certified by
7 the department of ~~commerce~~ safety and professional services under s. ~~560.036~~ 490.04
8 (2).

9 ***-1465/P4.91* *-0808/2.70* SECTION 256.** 16.75 (3m) (c) 5. b. of the statutes
10 is amended to read:

11 16.75 (3m) (c) 5. b. In determining whether a purchase, contract, or subcontract
12 is made with a disabled veteran-owned business, the department shall include only
13 amounts paid to disabled veteran-owned businesses certified by the department of
14 ~~commerce~~ safety and professional services under s. ~~560.0335~~ 490.02 (3).

15 ***-1267/P1.2* SECTION 257.** 16.75 (3t) (c) (intro.) of the statutes is amended to
16 read:

17 16.75 (3t) (c) (intro.) The department of corrections shall periodically provide
18 to the department of administration a current list of all materials, supplies,
19 equipment or contractual services, excluding commodities, that are supplied by
20 prison industries, as created under s. 303.01. The department of administration
21 shall distribute the list to all designated purchasing agents under s. 16.71 (1). Except
22 as otherwise provided in sub. (6) (am), prior to seeking bids or competitive sealed
23 proposals with respect to the purchase of any materials, supplies, equipment or
24 contractual services enumerated in the list, the department of administration or any
25 other designated purchasing agent under s. 16.71 (1) shall offer prison industries the

1 opportunity to supply the materials, supplies, equipment or contractual services if
2 the department of corrections is able to provide them at a price ~~comparable to that~~
3 is equal to or lower than one which may be obtained through competitive bidding or
4 competitive sealed proposals and is able to conform to the specifications, ~~provided the~~
5 ~~specifications are written in accordance with s. 16.72 (2) (d).~~ If the department of
6 administration or other purchasing agent is unable to determine whether the price
7 of prison industries is ~~comparable~~ equal to or lower than one obtained through
8 competitive bidding or competitive sealed proposals, it may solicit bids or
9 competitive proposals before awarding the order or contract. This paragraph does
10 not apply to the printing of the following forms:

11 ***-1465/P4.92* *-0808/2.71* SECTION 258.** 16.75 (4) (b) of the statutes is
12 amended to read:

13 16.75 (4) (b) The department shall seek the cooperation and assistance of the
14 department of ~~commerce~~ safety and professional services in the performance of its
15 duties under par. (a).

16 ***-1252/P3.6* SECTION 259.** 16.75 (6) (bm) of the statutes is amended to read:

17 16.75 (6) (bm) If the secretary determines that it is in the best interest of this
18 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
19 16.705 (1) ~~and (2) to (8), (5), (6), and (7)~~ and 16.72 (2) (e) and (f) and (5) with respect
20 to any contract entered into by the department of children and families under s.
21 49.143, if the department of children and families presents the secretary with a
22 process for the procurement of contracts under s. 49.143 and the secretary approves
23 the process.

24 ***-1216/P2.5* SECTION 260.** 16.75 (6) (c) of the statutes is amended to read:

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1 16.75 (6) (c) ^{plan} If the secretary determines that it is in the best interest of this state
2 to do so, ~~he or she~~ or, for purchases by the University of Wisconsin-Madison, the
3 chairperson of the Board of Trustees of the University of Wisconsin-Madison
4 determines it is in the best interest of the university to do so, the secretary or
5 chairperson may, with the approval of the governor, waive the requirements of subs.
6 (1) to (5) and may purchase supplies, material, equipment, or contractual services,
7 other than printing and stationery, from a private source other than a source
8 specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the purchase is
9 expected to exceed \$25,000 \$50,000, the department or the University of
10 Wisconsin-Madison shall first publish a class 2 notice under ch. 985 or post a notice
11 on the Internet at the site determined or approved by the department under sub. (1)
12 (b) describing the materials, supplies, equipment, or contractual services to be
13 purchased, stating the intent to make the purchase from a private source without
14 soliciting bids or competitive sealed proposals and stating the date on which the
15 contract or purchase order will be awarded. The date of the award shall be at least
16 7 days after the date of the last insertion or the date of posting on the Internet.

****NOTE: This is reconciled s. 16.75 (6) (c). This SECTION has been affected by drafts
with the following LRB numbers: -1216/p2 and -1187/p5.

17 *-1259/P3.1* SECTION 261. 16.75 (10e) (b) of the statutes is amended to read:
18 16.75 (10e) (b) The If s. 16.855 (10s) (a) provides an applicable standard for the
19 type of agency consuming equipment being purchased and the purchase will cost
20 more than \$5,000 per unit the department, any other designated purchasing agent
21 under s. 16.71 (1), any agency making purchases under s. 16.74, and any authority
22 may not purchase that type of energy consuming equipment unless the specifications
23 for the equipment meet the applicable standards for the equipment established

1 ~~under s. 16.855 (10s) (a). If there is no standard under s. 16.855 (10s) (a) applicable~~
2 ~~to the type of energy consuming equipment being purchased, or if. If there is an~~
3 ~~applicable standard under s. 16.855 (10s) (a), but~~ the energy consuming equipment
4 meeting that standard is not reasonably available, the department, purchasing
5 agent, agency, or authority shall ensure, for purchases over \$5,000 per unit, that the
6 energy consuming equipment that is purchased maximizes energy efficiency to the
7 extent technically and economically feasible. The department, purchasing agent,
8 agency, or authority shall not determine that energy consuming equipment that
9 meets the applicable standard under s. 16.855 (10s) (a) either is not reasonably
10 available on the basis of cost alone or is not cost-effective unless the difference in the
11 cost of the purchase and installation of the equipment that meets the standard and
12 the equipment that would otherwise be installed is greater than the difference in the
13 cost of operating the equipment that meets the standard and the equipment that
14 would otherwise be installed over the anticipated life of the equipment.

15 ***-1267/P1.3* SECTION 262.** 16.751 of the statutes is amended to read:

16 **16.751 Information technology purchases by investment board.** The
17 requirements of ss. 16.72 (2) (b) ~~and (d)~~ and 16.75 (1) (a) 1. and (2m) (g) do not apply
18 to procurements authorized to be made by the investment board under s. 16.78 (1)
19 for information technology purposes.

20 ***-1465/P4.93* *-0808/2.72* SECTION 263.** 16.752 (8) (e) of the statutes is
21 amended to read:

22 16.752 (8) (e) Comply with applicable occupational health and safety standards
23 prescribed by the U.S. secretary of labor, the federal occupational health and safety
24 administration or the department of ~~commerce~~ safety and professional services.

1 ***-1187/P5.80* SECTION 264.** 16.765 (1) of the statutes, as affected by 2011
2 Wisconsin Act 7, is amended to read:

3 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
4 Clinics Authority, the University of Wisconsin-Madison, the Fox River Navigational
5 System Authority, the Wisconsin Aerospace Authority, the Health Insurance
6 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the
7 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
8 Corporation, and the Bradley Center Sports and Entertainment Corporation shall
9 include in all contracts executed by them a provision obligating the contractor not
10 to discriminate against any employee or applicant for employment because of age,
11 race, religion, color, handicap, sex, physical condition, developmental disability as
12 defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national
13 origin and, except with respect to sexual orientation, obligating the contractor to take
14 affirmative action to ensure equal employment opportunities.

15 ***-1187/P5.81* SECTION 265.** 16.765 (2) of the statutes, as affected by 2011
16 Wisconsin Act 7, is amended to read:

17 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
18 Clinics Authority, the University of Wisconsin-Madison, the Fox River Navigational
19 System Authority, the Wisconsin Aerospace Authority, the Health Insurance
20 Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the
21 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
22 Corporation, and the Bradley Center Sports and Entertainment Corporation shall
23 include the following provision in every contract executed by them: "In connection
24 with the performance of work under this contract, the contractor agrees not to
25 discriminate against any employee or applicant for employment because of age, race,

1 religion, color, handicap, sex, physical condition, developmental disability as defined
2 in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but
3 not be limited to, the following: employment, upgrading, demotion or transfer;
4 recruitment or recruitment advertising; layoff or termination; rates of pay or other
5 forms of compensation; and selection for training, including apprenticeship. Except
6 with respect to sexual orientation, the contractor further agrees to take affirmative
7 action to ensure equal employment opportunities. The contractor agrees to post in
8 conspicuous places, available for employees and applicants for employment, notices
9 to be provided by the contracting officer setting forth the provisions of the
10 nondiscrimination clause”.

11 ***-1187/P5.82* SECTION 266.** 16.765 (5) of the statutes, as affected by 2011
12 Wisconsin Act 7, is amended to read:

13 16.765 (5) The head of each contracting agency and the boards of directors of
14 the University of Wisconsin Hospitals and Clinics Authority, the University of
15 Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin
16 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
17 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
18 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
19 Entertainment Corporation shall be primarily responsible for obtaining compliance
20 by any contractor with the nondiscrimination and affirmative action provisions
21 prescribed by this section, according to procedures recommended by the department.
22 The department shall make recommendations to the contracting agencies and the
23 boards of directors of the University of Wisconsin Hospitals and Clinics Authority,
24 the University of Wisconsin-Madison, the Fox River Navigational System Authority,
25 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan

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Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

***-1187/P5.83* SECTION 267.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (6) The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the University of Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic Development Corporation, or the Bradley Center Sports and Entertainment Corporation for processing in accordance with the department's procedures.

***-1187/P5.84* SECTION 268.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin Act 7, is amended to read:

16.765 (7) (intro.) When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the University of Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the

1 Wisconsin Quality Home Care Authority, the Wisconsin Economic Development
2 Corporation, or the Bradley Center Sports and Entertainment Corporation, the
3 contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the
4 University of Wisconsin-Madison, the Fox River Navigational System Authority, the
5 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
6 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
7 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
8 Sports and Entertainment Corporation shall:

9 ***-1187/P5.85* SECTION 269.** 16.765 (7) (d) of the statutes, as affected by 2011
10 Wisconsin Act 7, is amended to read:

11 ~~16.765 (7) (d)~~ Direct the violating party to take immediate steps to prevent
12 further violations of this section and to report its corrective action to the contracting
13 agency, the University of Wisconsin Hospitals and Clinics Authority, the University
14 of Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin
15 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
16 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
17 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
18 Entertainment Corporation.

19 ***-1187/P5.86* SECTION 270.** 16.765 (8) of the statutes, as affected by 2011
20 Wisconsin Act 7, is amended to read:

21 16.765 (8) If further violations of this section are committed during the term
22 of the contract, the contracting agency, the University of Wisconsin-Madison, the
23 Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the
24 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
25 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic

1 Development Corporation or the Bradley Center Sports and Entertainment
2 Corporation may permit the violating party to complete the contract, after complying
3 with this section, but thereafter the contracting agency, the University of
4 Wisconsin-Madison, the Fox River Navigational System Authority, the Wisconsin
5 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
6 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
7 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
8 Entertainment Corporation shall request the department to place the name of the
9 party on the ineligible list for state contracts, or the contracting agency, the
10 University of Wisconsin-Madison, the Fox River Navigational System Authority, the
11 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
12 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
13 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
14 Sports and Entertainment Corporation may terminate the contract without liability
15 for the uncompleted portion or any materials or services purchased or paid for by the
16 contracting party for use in completing the contract.

17 ***-1187/P5.87* SECTION 271.** 16.78 (1) of the statutes, as affected by 2011
18 Wisconsin Act 7, is amended to read:

19 16.78 (1) Every agency other than the board of regents Board of Regents of the
20 University of Wisconsin System, the Board of Trustees of the University of
21 Wisconsin-Madison, or an agency making purchases under s. 16.74 shall make all
22 purchases of materials, supplies, equipment, and contractual services relating to
23 information technology or telecommunications from the department, unless the
24 department requires the agency to purchase the materials, supplies, equipment, or
25 contractual services pursuant to a master contract established under s. 16.972 (2)

(h), or grants written authorization to the agency to procure the materials, supplies, equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the materials, supplies, equipment, or contractual services from another agency or to provide the materials, supplies, equipment, or contractual services to itself. The ~~board of regents~~ Board of Regents of the University of Wisconsin System may make purchases of materials, supplies, equipment, and contractual services relating to information technology or telecommunications from the department.

***-1221/3.3* SECTION 272.** 16.841 of the statutes is repealed.

***-1187/P5.88* SECTION 273.** 16.847 (1) (b) of the statutes is amended to read:

16.847 (1) (b) "State facilities" means all property owned and operated by the state for the purpose of carrying out usual state functions, including the University of Wisconsin-Madison and each institution within the University of Wisconsin System.

****NOTE: Section 16.848, stats., relating to sale of state-owned real property, is not amended because under the draft the UW's real property will not be state-owned.

***-1187/P5.89* SECTION 274.** 16.85 (1) of the statutes is amended to read:

16.85 (1) To take charge of and supervise all engineering or architectural services or construction work, as defined in s. 16.87, performed by, or for, the state, or any department, board, institution, commission, or officer of the state, and any such work to be performed for the University of Wisconsin-Madison, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09, ~~and~~ 36.11, 37.03, and 37.11, except work to be performed for the University of Wisconsin-Madison with respect to a building, structure, or facility that is funded entirely from sources other

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1 than general purpose revenue or general fund supported borrowing; the engineering,
2 architectural, and construction work of the department of transportation; and the
3 engineering service performed by the department of ~~commerce~~ safety and
4 professional services, department of revenue, public service commission,
5 department of health services, and other departments, boards, and commissions
6 when the service is not related to the maintenance, and construction and planning,
7 of the physical properties of the state. The department may not authorize
8 construction work for any state office facility in the city of Madison after May 11,
9 1990, unless the department first provides suitable space for a child care center
10 primarily for use by children of state employees.

****NOTE: This is reconciled s. 16.85 (1). This SECTION is affected by drafts with the
following LRB numbers: LRB-1187 and LRB-1465.

11 ***-1221/3.4* SECTION 275.** 16.85 (1) of the statutes, as affected by 2011
12 Wisconsin Act (this act), is amended to read:

13 16.85 (1) To take charge of and supervise all engineering or architectural
14 services or construction work, as defined in s. 16.87, performed by, or for, the state,
15 or any department, board, institution, commission, or officer of the state, and any
16 such work to be performed for the University of Wisconsin-Madison, including
17 nonprofit-sharing corporations organized for the purpose of assisting the state in the
18 construction and acquisition of new buildings or improvements and additions to
19 existing buildings as contemplated under ss. 13.488, 36.09, 36.11, 37.03, and 37.11,
20 except work to be performed for the University of Wisconsin-Madison with respect
21 to a building, structure, or facility that is funded entirely from sources other than
22 general purpose revenue or general fund supported borrowing; the engineering,
23 architectural, and construction work of the department of transportation; and the

1 engineering service performed by the department of safety and professional services,
2 department of revenue, public service commission, department of health services,
3 and other departments, boards, and commissions when the service is not related to
4 the maintenance, and construction and planning, of the physical properties of the
5 state. ~~The department may not authorize construction work for any state office~~
6 ~~facility in the city of Madison after May 11, 1990, unless the department first~~
7 ~~provides suitable space for a child care center primarily for use by children of state~~
8 ~~employees.~~

****NOTE: This is reconciled s. 16.85 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1187/P4, LRB-1221/2, and LRB-1465/P3.

9 ***-1187/P5.90* SECTION 276.** 16.85 (2) of the statutes, as affected by 2011
10 Wisconsin Act 7, is amended to read:

11 16.85 (2) To furnish engineering, architectural, project management, and other
12 building construction services whenever requisitions therefor are presented to the
13 department by any agency or the University of Wisconsin-Madison. The department
14 may deposit moneys received from the provision of these services in the account
15 under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned.
16 In this subsection, “agency” means an office, department, independent agency,
17 institution of higher education, association, society, or other body in state
18 government created or authorized to be created by the constitution or any law, which
19 is entitled to expend moneys appropriated by law, including the legislature and the
20 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
21 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, 238, or 279.

22 ***-1187/P5.91* SECTION 277.** 16.85 (5) of the statutes is amended to read:

1 16.85 (5) To promote the use of energy conservation methods in state-owned
2 facilities and facilities owned by the University of Wisconsin-Madison, to implement
3 and refine a statewide energy monitoring system and to develop and implement
4 initiatives of replacing fossil fuels with renewable energy fuels.

5 ***-1187/P5.92* SECTION 278.** 16.85 (7) of the statutes is amended to read:

6 16.85 (7) To rebuild and repair discarded machinery of the several state
7 institutions and the University of Wisconsin-Madison when found feasible, and put
8 the same back into service in the same department or at the university or in any other
9 state department or the university, and upon requisition to furnish services and
10 material and loan equipment at fair rentals based on the cost thereof, in connection
11 with the construction, operation and maintenance of heating and power plants,
12 utilities and equipment.

13 ***-1187/P5.93* SECTION 279.** 16.85 (10) of the statutes is amended to read:

14 16.85 (10) To prepare in cooperation with the state agencies concerned and
15 with the University of Wisconsin-Madison, plans for the future growth and
16 development of various state institutions and to serve as technical adviser to the
17 building commission in connection with the development of the state long-range
18 building program provided in ss. 13.48 and 13.482.

19 ***-1187/P5.94* SECTION 280.** 16.85 (12) of the statutes is amended to read:

20 16.85 (12) To review and approve plans and specifications for any building or
21 structure that is constructed for the benefit of the University of Wisconsin System
22 or any institution thereof, and to periodically review the progress of any such
23 building or structure during construction to assure compliance with the approved
24 plans and specifications. This subsection does not apply to any building, structure,
25 or facility that is constructed, remodeled, repaired, renewed, or expanded for the

1 University of Wisconsin-Madison if the project is funded entirely from sources other
2 than general purpose revenue or general fund supported borrowing.

3 ***-1187/P5.95* SECTION 281.** 16.851 of the statutes is amended to read:

4 **16.851 Plans for state and university buildings, structures or facilities.**

5 Except as the department otherwise provides by rule, records of the department and
6 the University of Wisconsin-Madison containing plans or specifications for any
7 state-owned or state-leased or any university-owned or university-leased building,
8 structure or facility, or any proposed state-owned or state-leased or
9 university-owned or university-leased building, structure or facility, are not subject
10 to the right of public inspection or copying under s. 19.35 (1). If the department or
11 the University of Wisconsin-Madison transfers any records containing any such
12 plans or specifications to any other authority as defined in s. 19.32 (1), the
13 department or university shall require the authority to agree in writing not to make
14 the record available for public inspection or copying except as the department
15 otherwise permits by rule.

16 ***-1187/P5.96* SECTION 282.** 16.8511 of the statutes is amended to read:

17 **16.8511 Secretary of administration; powers, duties.** (1) The secretary
18 or the secretary's designated assistants shall make a biennial inspection of each
19 building of each institution of the state and the University of Wisconsin-Madison.
20 The secretary may delegate this responsibility to the board, commission or officer in
21 charge of such institution.

22 (2) The secretary may delegate any of the work under this subchapter to the
23 various state agencies or to the University of Wisconsin-Madison when the secretary
24 determines that the best interests of the state or the university will be served. All
25 such delegation will be in writing and accompanied by the proper rules and

1 guidelines the agencies or the university must follow to ensure performance to the
2 satisfaction of the secretary.

3 ***-1465/P4.94* *-0808/2.74* SECTION 283.** 16.854 (1) (a) of the statutes is
4 amended to read:

5 16.854 (1) (a) "Minority business" has the meaning given in s. ~~560.036~~ 490.04
6 (1) (e).

7 ***-1465/P4.95* *-0808/2.75* SECTION 284.** 16.854 (1) (b) of the statutes is
8 amended to read:

9 16.854 (1) (b) "Minority group member" has the meaning given in s. ~~560.036~~
10 490.04 (1) (f).

11 ***-1187/P5.97* SECTION 285.** 16.855 (2) (intro.) of the statutes is amended to
12 read:

13 16.855 (2) (intro.) Except for projects authorized under s. 16.858, whenever the
14 estimated construction cost of a project exceeds \$40,000, or if less and in the best
15 interest of the state or the University of Wisconsin-Madison, the department shall:

16 ***-1187/P5.98* SECTION 286.** 16.855 (2) (b) 2. of the statutes is amended to read:

17 16.855 (2) (b) 2. If the federal government participates in a state or University
18 of Wisconsin-Madison project, the bid guarantee required in this paragraph
19 controls, unless the federal government makes a specific provision for a different bid
20 guarantee.

21 ***-1187/P5.99* SECTION 287.** 16.855 (5) of the statutes is amended to read:

22 16.855 (5) Any or all bids may be rejected if, in the opinion of the department,
23 it is in the best interest of the state or the University of Wisconsin-Madison. The
24 reasons for rejection shall be given to the bidder or bidders in writing.

25 ***-1187/P5.100* SECTION 288.** 16.855 (7) of the statutes is amended to read:

1 16.855 (7) The department may issue contract change orders, if they are
2 deemed to be in the best interests of the state or the University of
3 Wisconsin-Madison.

4 ***-1187/P5.101* SECTION 289.** 16.855 (10) of the statutes is amended to read:

5 16.855 (10) When the department believes that it is in the best interests of the
6 state or the University of Wisconsin-Madison to contract for certain articles or
7 materials available from only one source, it may contract for said articles or
8 materials without the usual statutory procedure, after a publication of a class 1
9 notice, under ch. 985, in the official state newspaper.

10 ***-1465/P4.96* *-0808/2.76* SECTION 290.** 16.855 (10m) (ac) of the statutes is
11 amended to read:

12 16.855 (10m) (ac) In this subsection, “disabled veteran-owned business”
13 means a business certified by the department of ~~commerce~~ safety and professional
14 services under s. 560.0335 490.02 (3).

15 ***-1465/P4.97* *-0808/2.77* SECTION 291.** 16.855 (10n) (a) of the statutes is
16 amended to read:

17 16.855 (10n) (a) In this subsection, “minority group member” has the meaning
18 given in s. ~~560.036~~ 490.04 (1) (f).

19 ***-1187/P5.102* SECTION 292.** 16.855 (13) (c) of the statutes is amended to read:

20 16.855 (13) (c) Changes may be made in the list of subcontractors, with the
21 agreement of the department and the prime contractor, when in the opinion of the
22 department it is in the best interests of the state or the University of
23 Wisconsin-Madison to require the change.

24 ***-1187/P5.103* SECTION 293.** 16.855 (14) (b) of the statutes is amended to
25 read:

1 16.855 (14) (b) The state is and the University of Wisconsin-Madison are not
2 liable to a prime contractor for damage from delay caused by another prime
3 contractor if the department or the university takes reasonable action to require the
4 delaying prime contractor to comply with its contract. If the state or the university
5 is not liable under this paragraph, the delayed prime contractor may bring an action
6 for damages against the delaying prime contractor.

7 ***-1187/P5.104* SECTION 294.** 16.855 (16) (a) of the statutes is amended to
8 read:

9 16.855 (16) (a) This section does not apply to contracts between the state or the
10 University of Wisconsin-Madison and federal government or any agency thereof, or
11 with any political subdivision of the state. Subject to the approval of the governor,
12 the requirements of this section may be waived in emergency situations involving the
13 public health, welfare or safety or with respect to contracting with public utilities,
14 but only when any such waiver is deemed by the governor to be in the best interests
15 of the state or the university.

16 ***-1187/P5.105* SECTION 295.** 16.855 (16) (b) 2. of the statutes is amended to
17 read:

18 16.855 (16) (b) 2. In emergency situations, the governor may approve repairs
19 and construction of a building, structure, or facility in lieu of building commission
20 approval under s. 13.48 (10), and for such purposes, may authorize the expenditure
21 of up to \$500,000 from the state building trust fund or from other available moneys
22 appropriated to an agency or other available moneys of the University of
23 Wisconsin-Madison derived from any revenue source. The governor may delegate
24 to the secretary the authority to grant approvals under this subdivision. The
25 governor shall report any such authorization to the building commission at its next

1 regular meeting following the authorization. In this subdivision, "emergency"
2 means any natural or human-caused situation that results in or may result in
3 substantial injury or harm to the population or substantial damage to or loss of
4 property.

5 ***-1187/P5.106* SECTION 296.** 16.855 (20) of the statutes is amended to read:

6 16.855 (20) This section does not apply to construction work performed by
7 University of Wisconsin System or University of Wisconsin-Madison students when
8 the construction work performed is a part of a curriculum and where the work is
9 course-related for the student involved. Prior approval of the building commission
10 must be obtained for all construction projects to be performed by University of
11 Wisconsin System or University of Wisconsin-Madison students, except projects
12 specified in s. 13.48 (10 (c)).

13 ***-1187/P5.107* SECTION 297.** 16.855 (22) of the statutes is amended to read:

14 16.855 (22) The provisions of this section, except sub. (10m), do not apply to
15 construction work for any project that does not require the prior approval of the
16 building commission under s. 13.48 (10) (a) if the project is constructed in accordance
17 with policies and procedures prescribed by the building commission under s. 13.48
18 (29). The provisions of this section do not apply to construction work for any project
19 by or for the University of Wisconsin-Madison that is funded entirely from sources
20 other than general purpose revenue or general fund supported borrowing. If the
21 estimated construction cost of any project, other than a University of
22 Wisconsin-Madison project that is exempted under this subsection, is at least
23 \$40,000, and the building commission elects to utilize the procedures prescribed
24 under s. 13.48 (29) to construct the project, the department shall provide adequate

1 public notice of the project and the procedures to be utilized to construct the project
2 on a publicly accessible computer site.

3 ***-1187/P5.108* SECTION 298.** 16.865 (1) (a) of the statutes is amended to read:

4 16.865 (1) (a) ~~Protect~~ Except as provided in sub. (10), protect the state ~~and the~~
5 University of Wisconsin-Madison from losses which are catastrophic in nature and
6 minimize total cost to the state of all activities related to the control of accidental loss.

7 ***-1187/P5.109* SECTION 299.** 16.865 (2) of the statutes is amended to read:

8 16.865 (2) ~~Identify~~ Except as provided in sub. (10), identify and evaluate
9 exposure to loss to the state, ~~its~~ and University of Wisconsin-Madison and their
10 employees or injury to the public by reason of fire or other accidents and fortuitous
11 events at state-owned and the university-owned properties or facilities.

12 ***-1187/P5.110* SECTION 300.** 16.865 (3) of the statutes is amended to read:

13 16.865 (3) ~~Recommend~~ Except as provided in sub. (10), recommend changes in
14 procedures, program conditions or capital improvement for all agencies and the
15 University of Wisconsin-Madison which would satisfactorily eliminate or reduce the
16 existing exposure.

17 ***-1187/P5.111* SECTION 301.** 16.865 (4) of the statutes is amended to read:

18 16.865 (4) ~~Manage the state employees'~~ Except as provided in sub. (10),
19 manage the worker's compensation program for state and University of
20 Wisconsin-Madison employees and the statewide self-funded programs to protect
21 the state and the University of Wisconsin-Madison from losses of and damage to
22 state property and liability.

23 ***-1187/P5.112* SECTION 302.** 16.865 (5) of the statutes is amended to read:

24 16.865 (5) ~~Arrange~~ Except as provided in sub. (10), arrange appropriate
25 insurance contracts for the transfer of risk of loss on the part of the state and the